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Attorneys for Defendants
Wells Fargo Advisors, LLC, Wells Fargo Advisors
Financial Network, LLC, Wells Fargo Securities, LLC,
and Wells Fargo & Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THEODORE KAGAN, JAMES AVEN,
FRANCES LEVY, ELAINE SOFFA, JOSEPH
SOFFA, and ALBERKRACK FAMILY
LIMITED PARTNERSHIP, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

WACHOVIA SECURITIES, L.L.C., a North
Carolina limited liability company; WACHOVIA
SECURITIES FINANCIAL NETWORK, L.L.C.,
a North Carolina limited liability company;
WACHOVIA CAPITAL MARKETS, L.L.C., a
North Carolina limited liability company;
WELLS FARGO ADVISORS, L.L.C., a
Delaware limited liability company; WELLS
FARGO ADVISORS FINANCIAL NETWORK,
L.L.C., a Delaware limited liability company;
WELLS FARGO SECURITIES, L.L.C., a
Delaware limited liability company; WELLS

No. 09-5337 (SC)

**STIPULATION TO REMOVE
UPCOMING DATES FROM
CALENDAR AND SET DEADLINE
TO SUBMIT SETTLEMENT
AGREEMENT FOR THE COURT'S
APPROVAL**

Judge: Hon. Samuel Conti

FARGO & COMPANY, a Delaware corporation;
and DOES 1 through 10, inclusive,
Defendants.

BRENT BALKEMA, as Trustee for the Jesse J.
Balkema Rev Trust, on behalf of himself and all
others similarly situated,

Plaintiffs,

v.

WACHOVIA SECURITIES, LLC, a North
Carolina limited liability company, WACHOVIA
SECURITIES FINANCIAL NETWORK, LLC, a
North Carolina limited liability company,
WELLS FARGO ADVISORS LLC; a Delaware
limited liability company, WELLS FARGO
SECURITIES FINANCIAL NETWORK, LLC, a
Delaware limited liability company,

Defendants.

No. CV-11-00412 (SC)

Through this Stipulation, Plaintiffs Theodore Kagan, James Aven, Frances Levy, Elaine Soffa, Joseph Soffa, Alberkrack Family Limited Partnership, and Brent Balkema (“Plaintiffs”) and Defendants Wells Fargo Advisors, LLC (sued under its own name and also under the name “Wachovia Securities, LLC”), Wells Fargo Advisors Financial Network, LLC (sued under its own name and also under the name “Wachovia Securities Financial Network, LLC”), Wells Fargo Securities (sued under its own name and also under the name “Wachovia Capital Markets, LLC”) and Wells Fargo & Company (“Defendants”), collectively referred to herein as the “Parties,” through their counsel of record, stipulate to the extension of all deadlines relating to Plaintiffs’ Motion for Class Certification, Defendants’ Answer to Plaintiff Balkema’s Complaint, and all other dates currently appearing on the Court’s calendar.

WHEREAS, during the last several weeks, the Parties have engaged in extensive good faith settlement discussions and reached a Memorandum of Understanding regarding the settlement of the *Kagan* and *Balkema* consolidated class actions;

WHEREAS, confirmatory discovery is underway in support of the settlement and the parties expect it to be concluded by September 30, 2011;

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1 WHEREAS, should the Parties reach an agreement on a final settlement, Plaintiffs'
2 Motion for Class Certification and Defendants' Answer to the Balkema Complaint will be moot,
3 and the Parties do not wish to burden the Court with unnecessary filings, nor needlessly expend
4 the parties' resources;

5 NOW, THEREFORE, the Parties jointly request and hereby stipulate that all forthcoming
6 dates be removed from the Court's calendar, except that the Parties shall submit a settlement
7 agreement, combined with a stipulation to conditionally certify a class for settlement purposes,
8 for the Court's approval under Federal Rule of Civil Procedure 23(e), no later than
9 September 30, 2011.

10 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:**

11 DATED: August 4, 2011

12 KABATECK BROWN KELLNER LLP

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15 By: /s/ Karen Liao
16 Richard L. Kellner
Karen Liao
Attorneys for Plaintiffs

17
18 DATED: August 4, 2011

19 BINGHAM MCCUTCHEN LLP

20
21
22 By: /s/ Michael D. Blanchard
23 Michael D. Blanchard
Donald S. Davidson
Sarah L. Bishop
24 Attorneys for Defendants
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27
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ATTESTATION

I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/s/) within this e-filed document.

DATED: August 4, 2011

BINGHAM MCCUTCHEN LLP

By: /s/ Sarah L. Bishop
Michael D. Blanchard
Donald S. Davidson
Sarah L. Bishop
Attorneys for Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Pursuant to the stipulation of the Parties and good cause appearing, all dates currently appearing on the Court's calendar shall be taken off calendar. The deadline for the Parties to submit a settlement agreement, combined with a stipulation to conditionally certify a class for settlement purposes, for the Court's approval under Federal Rule of Civil Procedure 23(e) shall be September 30, 2011.

DATED: August 8, 2011

By: _____

